MONTANA LEGISLATIVE HISTORY

Chapter 273 1973

Bill H 540 S _____ Original bill & history ___C

H. Committee on Local Govt			S. Committee on Local Govt		
Hearing Date(s) Feb 09	~	C	Hearing Date(s) Mar 01	~	C
_____	___	C	_____	___	C
_____	___	C	_____	___	C
_____	___	C	_____	___	C
Date Out _____	___	C			

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

February 7, 1973
Proceedings of the
Local Government Committee

The meeting was called to order at 8:00 by Chairman Kosena. The secretary called roll. Absent were Representatives Cox, Lockrem and Roberts. Excused were Representatives Zimmer and Lombardi.

HOUSE BILL 409: Chief sponsor was Representative Schye. Proponents were he and Dan Mizner, League of City and Towns. Opponent was Tom Mulholland, Liquor Control Board. The committee did not vote on this bill that day.

HOUSE BILL 540: Chief sponsor was Representative Ainsworth. There were no proponents or opponents. The committee gave the bill a unanimous do pass.

HOUSE BILL 556: Chief sponsor was Representative Fagg. Proponents were Dan Mizner, League of City and Towns, Polly Prchal, Billings, Walter Anderson, Helena, Jean Anderson, League of Women Voters. Opponent was R.A. Ellis, Volunteer Fireman. The committee voted and gave the bill a do pass as amended. Voting no were Representatives Zimmer, Jones and Smith.

HOUSE BILL 544: Chief sponsor was Representative Greely. There were no opponents or proponents. The committee gave the bill a unanimous do pass as amended.

HOUSE BILL 496: Chief sponsor was Representative Hall. Proponent was Wally Stephens, Fireman's Association. Opponent was Dan Mizner, League of City and Towns. The committee gave the bill a unanimous do pass.

Other bills being voted on which had been held up and were voted on in executive session were
HOUSE BILL 389: Unanimous do not pass.
HOUSE BILL 465: Unanimous do pass.
HOUSE BILL 424: Do pass with Representative Jones voting no.
HOUSE BILL 213: Being held over until 1974.
HOUSE BILL 274: Being held over until 1974.

With no further business the meeting was adjourned.

Albert E. Kosena
ALBERT E. KOSENA, CHAIRMAN

Laurie Darragh
Laurie Darragh, secretary

930 EAST LYNDALE AVENUE HELENA, MONTANA 59601

STATEMENT ON HOUSE BILL 540
TO THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

David R. Hoffman
State Librarian
February 7, 1973

I appear in support of House Bill 540. This bill offers a new option to cities and counties wishing to join in the establishment, maintenance, and support of a public library. It will, by giving the constituent governing units the option of working together to determine methods of government and finance of an essential public service, encourage further cooperation between cities and counties..

The State Library Commission has for many years worked toward the extension and improvement of public library service throughout Montana by encouraging sharing of resources and services across jurisdictional lines. House Bill 540 should help to further encourage this type of development without infringing upon the rights and prerogatives of local government units. I urge your swift approval of this bill, and its prompt enactment into law by this Legislature.

SENATE COMMITTEE

ON

LOCAL GOVERNMENT

MINUTES
20TH MEETIN(
MARCH 1, 19

This Thursday meeting of the Local Government Committee was called to order at 11:00 a.m. by Senator Thiessen.

Roll call was taken. Quorum present. ROLL CALL

HOUSE BILL 556- sponsored by Harrison Fagg, Representative from Cascade County, this bill deals with a new concept for cities to acquire land. The bill provides that cities must have long-range plans of how the city would grow in relation to the use of water. HB 556

Dan Mizner, League of Cities and Towns, testified in support of the bill and offered an amendment to the committee in the form of a new section to be numbered Section D. The proposed amendment is attached to these minutes. TESTIMONY

Representative Fagg went on to explain that this bill provides for a plan to organize the development of cities and towns and also provides for court review. If the proposed annexation is not feasible, according to the court judgment, it can be denied immediately.

Harold Frysle, City of Bozeman, concurred,saying the bill establishes a planned, orderly growth on a factual basis.

Also testifying in support of the measure: Jean Anderson, League of Women Voters; Dave Fisher, Volunteer Firemen's Assn.; Art Korm, Volunteer Firemen's Assn.; Jack Reberg, Montana Petroleum Assn. All these people concurred in the bill with Mr. Mizner's proposed amendment.

Representative Fagg stated that this bill would stop urban sprawl. It would not allow for annexing of any area that the city could not provide services for.

There was much discussion against the amendment proposed by Mr. Mizner. Members of the Committee felt the amendment was not necessary. Volunteer Firemen said they should be protected. There were no opponents to testify.

There was no action taken by the Committee at this meeting.

HOUSE BILL 540- sponsored by Representative Ainsworth, this bill provides for the establishment of a joint HB 540

city-county library. There are no provisions on the existing statutes for such a measure. HB 540(con't

TESTIMONY

David R. Hoffman, State Librarian, testified in support of the bill. According to Mr. Hoffman, the bill gives the people involved the right to determine by contract how they will operate. His testimony is attached to these minutes.

Dan Mizner, League of Cities and Towns, clarified that there is no double tax involved.

There were no opponents.

Senator Bertsche moved the bill BE CONCURRED IN; seconded by Senator Northey. The vote was unanimous.

HOUSE BILL 465 - sponsored by Representative Max Baucus, this bill addressed itself to sub-division regulations, as pertains to the state Department of Health. The present law pertains to parcels under five acres, jurisdiction in HB 465 is extended to ten acres. HB 465

Vern Sloulin, State Department of Health, testified in support of the bill. Testimony is attached to minutes. TESTIMONY

Janet van Swearingin, League of Women Voters, concurred with the bill. See attached testimony.

Representative Baucus suggested that the Committee delete the reference in the bill to a Section "C" which does not exist and also delete the ";or" at the end of line 23, page 11. SUGGESTED AMENDMENT

The Committee did not take any action on the bill at this meeting.

HOUSE BILL 409 - sponsored by Representative Elmer Schye, this bill requires new and transferred liquor licenses to be approved by the county commissioners. Representative Schye suggested that the Committee amend out the reference to the State Liquor Board and put in the Department of Revenue. He stated that this bill would give cities and counties control of the people who come in and buy bars. HB 409

There was no testimony. The Committee did not act upon the bill at this meeting.

MONTANA STATE LIBRARY
930 EAST LYNDALE AVENUE HELENA, MONTANA 59601

March 1, 1973

STATEMENT TO THE SENATE COMMITTEE ON LOCAL GOVERNMENT
BY DAVID R. HOFFMAN, STATE LIBRARIAN

RE HOUSE BILL 540

The State Library Commission's first charge upon its establishment by the Legislature was to promote the extension of public library service to the people of Montana. Through a variety of programs since its work began in 1946, the Commission has assisted local governments in bringing library service to people who have had none, and strengthening the services already available.

Forty-four of Montana's counties have county-wide library service, either through the establishment of county libraries or through contract service from city libraries to surrounding unincorporated areas.

House Bill 540 will permit cooperation by counties and cities in the operation of joint city-county libraries, and should encourage further cooperative efforts between local units of government without loss of local autonomy. I support this bill, and urge that you give it a prompt do-pass recommendation, and that the Senate take affirmative action and transmit it to the Governor for his approval.

Fifty Cents ($.50) to One Dollar ($1); and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 4-510, R.C.M. 1947, is amended to read as follows:

"4-510. **Fee to be charged.** The county clerk and recorder shall charge and collect a fee of *one dollar ($1)* from the applicant at the time the application is prepared. This fee shall be transmitted to the Montana liquor control board along with the application and shall be used to defray the cost of administering and executing the provisions of this act. Any surplus shall revert to the general fund of the state of Montana."

Section 2. This act is effective on its passage and approval.

Approved: March 10, 1973.

CHAPTER NO. 273

An Act to Provide for the Establishment and Operation of a Joint City-County Library; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. A county and any city or cities within the county, by action of their respective governing bodies, may join in establishing and maintaining a joint city-county library under the terms of a contract agreed upon by all parties. The expenses of a joint city-county library shall be apportioned between or among the county and cities on such a basis as shall be agreed upon in the contract. The governing body of any city or county entering into a contract may levy a special tax as provided in section 44-220 for the establishment and operation of a joint city-county library. The treasurer of the county, or of a participating city within the county, as shall be provided in the contract, shall have custody of the funds of the joint city-county library, and the other treasurers of the county or cities joining in the contract shall transfer quarterly to him all moneys collected for the joint city-county library. The contract shall provide for the disposition of property upon dissolution of the joint city-county library.

Section 2. A joint city-county library shall be governed by a board of trustees composed of five (5) members chosen as specified in the contract, with terms not to exceed five (5) years. Trustees shall serve no more than two (2) full terms in succession. Trustees shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official

duties may be paid from library funds. Trustees shall meet and elect a chairman, and such other officers as they deem necessary, for one (1) year terms. The board of trustees shall have the power and duties as specified in sections 44-213 through 44-225.

Section 3. This act is effective on its passage and approval.

Approved: March 10, 1973.

CHAPTER NO. 274

An Act to Amend Section 4-322, R.C.M. 1947, Forbidding Beer Wholesalers From Selling, Giving, Delivering or Distributing Beer to the Public.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 4-322, R.C.M. 1947, is amended to read as follows:

"4-322. **It shall be** *unlawful* **for any wholesaler to** *give,* **sell, deliver or distribute any beer purchased or acquired by him to the public."**

Approved: March 14, 1973.

CHAPTER NO. 275

An Act to be Cited as the Montana Unfair Trade Practices and Consumer Protection Act of 1973; Prohibiting Unfair Trade Practices and Providing Investigation Procedures and Penalties for Violations of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. As used in this act:

(1) "Person" means natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

(2) "Trade" and "commerce" means the advertising, offering for sale, sale, or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value, wherever situate, and shall include any trade or commerce directly or indirectly affecting the people of the state.

(3) "Documentary material" means the original or a copy